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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 11 JACK EARL RUMMERFIELD,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL  
15 SECURITY,

16 Defendant.

17 Case No. 1:22-cv-01571-SAB

18 ORDER REQUIRING PLAINTIFF TO SHOW  
19 CAUSE WHY FOOTNOTES SHOULD BE  
20 STRICKEN FROM MOTION FOR  
21 SUMMARY JUDGMENT AS SANCTION  
22 FOR VIOLATING PAGE LIMITS

23 (ECF No. 18)

24 DEADLINE: CLOSE OF BUSINESS MARCH  
25 18, 2024

19 On June 2, 2022, Jack Earl Rummerfield (“Plaintiff”) filed a motion for summary judgment  
20 seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”)  
21 or (“Defendant”) denying his application for disability benefits pursuant to the Social Security Act.  
22 Upon review of Plaintiff’s motion, the Court finds a willful violation of the page limits set forth in  
23 the General Civil Case Information for the undersigned. Accordingly, Plaintiff shall be ordered to  
24 show cause why the footnotes in the motion for summary judgment should not be stricken as a  
25 sanction for violating the Court’s page limitations for motions.

26 Pursuant to the Court’s general procedures, “all moving and opposition briefs or legal  
27 memorandum in civil cases shall not exceed twenty-five (25 pages). . . . Briefs that exceed the page  
28 limitations or are sought to be filed without leave may not be considered.” See General Civil Case

1 Information, ¶ 7, available at <http://www.caed.uscourts.gov>, under Judges; United States Magistrate  
2 Judge Stanley A. Boone (SAB), General Civil Case Information.

3 Plaintiff's motion for summary judgment is 28 pages in length. Review of the motion shows  
4 extensive use of footnotes which the Court finds to be a willful attempt to violate the page limits  
5 set forth above. Footnotes in the instant motion comprise approximately a half page on 4 pages  
6 (Mot. at 14, 15, 20, 26), a third page on 2 pages (*id.* at 24, 27), a quarter page on 2 pages (*id.* at 17,  
7 22), and over three quarters of the page on 1 page (*id.* at 23). Further, these footnotes contain  
8 argument and citations to law and evidence in support of Plaintiff's motion. Plaintiff did not seek  
9 leave to file an oversized brief in this matter, and review of the motion can only lead to the  
10 conclusion that the use of footnotes was willful in order to avoid the appearance of being over the  
11 page limits set forth above.

12 The Federal Rules of Civil Procedure provides that the underlying purpose of the rules is  
13 to secure the just, speedy and inexpensive determination" of an action. Fed. R. Civ. P. 1. To  
14 effectuate this purpose the Rules provide for sanctions against parties that fail to comply with  
15 court orders or that unnecessarily multiply the proceedings. See e.g. Fed. R. Civ. P. 16(f); Fed.  
16 R. Civ. P. 37(b). Rule 16(f) of the Federal Rules of Civil Procedure authorizes the court to issue  
17 any just order if a party or attorney fails to obey a scheduling or other pretrial order.

18 The court also possesses inherent authority to impose sanctions to manage its own affairs  
19 so as to achieve the orderly and expeditious disposition of cases. Chambers v. NASCO, Inc., 501  
20 U.S. 32, 43 (1991). The court's inherent power is that which is necessary to the exercise of all  
21 others, including to protect the due and orderly administration of justice and maintain the  
22 authority and dignity of the court. Roadway Exp., Inc. v. Piper, 447 U.S. 752, 764 (1980). The  
23 Local Rules of the Eastern District of California ("L.R.") provide that "[f]ailure of counsel or of  
24 a party to comply with these Rules or with any order of the Court may be grounds for imposition  
25 by the Court of any and all sanctions authorized by statute or Rule or within the inherent power  
26 of the Court." L.R. 110.

27 Accordingly, IT IS HEREBY ORDERED THAT on or before close of business on March  
28 18, 2024, Plaintiff shall show cause why the footnotes in Plaintiff's motion for summary judgment

1 should not be stricken for the willful violation of the Court's procedures setting a page limit of  
2 twenty-five pages for moving papers.

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4 IT IS SO ORDERED.

5 Dated: March 14, 2024



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UNITED STATES MAGISTRATE JUDGE

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